

And will you maintain and preserve inviolate the settlement of the Church of England, and the doctrine, worship, discipline and government thereof, as by law established within the kingdom of England and Ireland, the dominion of Wales, the town of Berwick-upon-Tweed, and the territories thereunto belonging, before the union of the two kingdoms? And will you preserve unto the Bishops and Clergy of England, and to the churches there committed to their charge, all such rights and privileges as by law do or shall appertain unto them, or any of them?

King—All this I promise to do. His Majesty then arose out of his chair, and, attended by his supporters, went bare headed to the altar, where, kneeling upon a cushion, at the steps of the altar, and laying his hand upon the holy gospels, he said—
“The things which I have here before promised, I will perform and keep, so help me God.”

THE CONSTITUTION.

The British Constitution is a sacred thing. It was raised by the united efforts of the best wisest, and the bravest of our forefathers. It was upheld by their valour, and cemented by their blood: and therefore should neither be lightly changed, nor rashly intermeddled with.

If we trace the English constitution from its origin, we shall find it rising in the forests of Germany: in the midst of a wild, but brave and independent tribes, who finally bent the mistress of the world beneath their feet. There the first principles of English freedom were established; and upon the foundation thus raised, after ages added, the peculiar modifications of them we at present enjoy.

The mode of government, thus founded, presents an anomaly in the history of man. It is neither a monarchy, nor an aristocracy, nor a democracy; but partakes of all three: each individual portion serving as a balance and a check to the power of the others. Indeed it first assumed this form from necessity. Stephen found the power of the nobles exorbitantly great, and he set himself to curb it. In the reign of the third Henry, the sovereign was a weak and vicious man, immersed in pleasure, and devoted to favourites. The nobles here stepped in, and headed by De Montfort, forced the royal authority to their obedience. To carry on his designs, he convened deputies from the chief corporations, thus forming a model of a house of Commons: and amidst all the struggles that have taken place, these three parts of the constitution have maintained their place, acquiring more stability from the very efforts made to shake them.

The King is the depository of the supreme executive power. He, as the chief magistrate of the country, possesses the right to make peace, or to declare war. He appoints ambassadors, receives envoys from foreign courts, bestows titles of honour, and can assemble, prorogue, and dissolve the Assembly of the Lords and Commons. Without his assent no law is valid. He is the temporal head of the British Church, and Chief Judge in every court. His person is sacred; and a subject for a single act of rebellion, loses both life and property.

Great however, as the power of the Monarch is, it is far from absolute. His power is so limited, that without an extensive change in the constitution, it can never rise to tyranny. From the laws he derives all his honour, authority, and privilege; and he is bound by a solemn oath to observe the magna charta, the bill of rights, and all those other laws which are looked upon as the foundations of the national freedom, as strictly as the meanest of his subjects.— Though the execution of the law lies with him, he cannot take a single penny from the most inconsiderable person in his dominions, unless the law declares it to be forfeited.— He cannot take away the liberty of the meanest, unless that individual has, by some illegal act, forfeited his right of it. He can grant pardon to a criminal; but he cannot condemn any one, until twelve men of his own rank, have pronounced him guilty of a sufficient crime: and to prevent any undue influence from being exerted over the judges they hold their salaries for life, and are in no way dependent upon the will of the sovereign.

The office of royalty is not degraded by these restraints: for the honour of a king results from the safety of his subjects; and whatever establishes that safety, must reflect honour upon him. And though such limitations might not suit the will of an ambitious and selfish despot, yet a virtuous monarch will bless the memory of those who discovered the golden mean between absolute power, and lawless anarchy: and, while they gave to the sovereign all that was necessary, deprived him of the means of infringing the rights of the people.

With regard to his domestic concerns, the King is not allowed to marry a subject.— This took its rise from the bloody wars which have been caused by disputed successions: and to avoid these, the Queen must be a foreigner; she is, however, naturalized by her marriage. She has the power to remove any suit of law, relative to herself, into any court she chooses, without the

usual forms; and if the King dies, and she marries again, the honours of her rank are still paid her, though her husband should be only a private gentleman. The heir apparent to the throne is always called the Prince of Wales; and should the King die during his minority, he is considered of age at eighteen; although he cannot assume the powers of royalty, until he is twenty-one. The eldest daughter of the King is always styled the Princess Royal; but his younger children receive no title, unless he thinks fit to bestow it.

The House of Lords, the next degree in the state, is composed of the nobility of all ranks, and the share they have in the legislature is proportioned to the interest they have in the state. Hence it is they form a body which can check the enterprise of the people; while the people on their part, can put a stop to their encroachments. The Houses of Lords and Commons, have of course, separate views and interests; but the privileges of the nobles are hereditary, while those of the commons are only for a limited period, and depend upon the people from whom they receive their power. It may be feared that the hereditary privileges of the peers, should cause them to pursue their own interests, instead of the interests of the people: and to prevent this, they cannot meddle with the pecuniary affairs of the state, the power of granting supplies resting entirely with the people.

But one peculiar privilege possessed by the nobles is, that they cannot be tried by any of the ordinary courts of law. If they are charged with any crime, they must be tried by that court of which they are members, and in deciding on the guilt or innocence of a peer, the nobles do not give their testimony on oath; but by each laying his hand on his heart, and declaring his opinion “on his honour.” Thus the nobles are invested with every outward mark of splendour, and yet are so entrenched in, as not to encroach on the meanest of the people. And though the fact of their not being amenable to the ordinary tribunals of the country, may appear at first sight an unjust distinction in their favour, but it is in reality nothing more than is possessed by the humblest of the king's subjects. It is simply the application to them of the universal principle of English justice, that every man shall be tried by his equals. The privileged by the lowest commoner of being tried by twelve men in his own rank of life, is just as great as that enjoyed by a nobleman in being accountable only to the House of Peers.

But while the king and the lords act thus, each for themselves, the liberty of every individual is secured, by his having through his representatives, a voice in the government; and without the assent of these representatives of the people, not a single law can pass. Thus the general liberties are as firmly secured, as the power of the King and the privileges of the nobles. The commons are in fact, the guardians of the public liberties; they are the deputies of the people, sent up expressly to make such laws as may best promote the interests of the nation.— They can search into the conduct of the highest noble, can impeach the minister of the King, can call the judges to account, and bring all those to justice who make an ill use of their power. They alone can grant supplies, decide on contested elections, and enquire into, and procure redress for grievances.

The counties are represented by knights of the shire, who must possess estates in freehold or copyhold property of six hundred pounds per annum. They are elected by the proprietors of freehold land in the country, of the value of forty shillings yearly, clear of every charge, except taxes and poor-rates. The cities are represented by citizens possessing a clear estate of £300 a year, and who are chosen according to the charter or custom of the city. The boroughs are represented by burgesses, elected according to the franchise of the voters, and these must also have a clear estate of £300 per annum.

From the above sketch it will be seen, that the constitution of Great Britain consists of three estates, each having separate privileges, and each being dependent upon the others, and checked by them. The first is the executive power, and has the privilege of assembling, proroguing, and dissolving the two legislative bodies; because they are supposed to have no will except when assembled, and if they possessed the power of dissolving themselves, they would never be dissolved. They would encroach on the executive power, (as they actually did, in the reign of the first Charles), and one of them, (as at that time) might destroy the other, leaving the remaining portion to tyrannise over public liberty, to swallow up the privileges of all the other orders, and at length to perish in the flame which themselves had kindled.

But as the executive power, vested in the King, may also be abused, the constitution imposes a check, by enabling the commons to withhold the supplies, the sinews of war, and the weapons of tyranny. Hence these supplies are only granted from year to year. The King indeed has the power to raise what forces he pleases, but it rests with the repre-

sentatives of the people to determine what number he shall be able to pay.

If then the persons chosen to sit in parliament have thus to watch over our liberties, to look to our trade, our property, and all that we hold most dear, what care ought every county, city, or borough to take, that the persons so sent, be every way qualified to perform the important duties of their office! That they be as far removed from prodigality as from meanness; that they are neither the tools of party, nor men of unsettled principles; that they are above accepting a bribe, and too independent to truckle for a place; and that they may have that zeal for the interests of their country which will lead them to think nothing done, while anything remains undone for its prosperity.

The office of a voter is one of the most responsible that a man can sustain. It gives him the power either to raise his native land to greatness, or sink it into misery; and he who can barter his vote for the cravings of self-interest, is unworthy of the high station in which he is placed; is unworthy of the name of a freeman, and cannot complain if he lives to see his own liberty taken away by the very corruption that he has abetted and encouraged.

We shall, (having thus sketched the constitution itself) take, in the next place a view of its advantages, as contrasted with the state of other European kingdoms, and endeavour to show the danger of making a desire of change the motive of innovation.

This exhortation is peculiarly necessary at this period, when every “unwashed artificer” thinks himself endowed with powers sufficient to govern his country. It has been well observed that the present period is an age of knowledge, but not of wisdom. Superficial information on any subject comes now so cheaply, and is rendered so level to every capacity, that almost every man woman and child in the empire can skim over the surface, and gather the general principles of a subject. But it is as true now as ever it was that

“A little learning is a dangerous thing” and that in order to render a man fit for the several duties of life, he must go a little deeper than first principles. The player at a game of hazard, who knows nothing more than the mere rules of the game, would be cheated, or at least have his money taken every time he came in contact with a scientific player, one who had deeply studied and calculated the chances of the game; and is less knowledge necessary to govern a kingdom than to play a game of *Rouge et Noire*? Surely not. If then, merely superficial knowledge will do not in the one, it certainly will not in the other. It is a just observation, that the wiser any man becomes, the more thoroughly he is convinced of his own ignorance. A bold, presumptuous dependence upon his own talents, always characterises the weakly ignorant or the slightly learned; and the arrogant assumptions of the motley multitude to the knowledge and conduct of governing an empire, at once stamps the age as superficial, and destitute of that real wisdom, whose characteristic is modesty.

The nation will never be thoroughly reformed, until the feelings and conduct of our populace undergo a complete revolution—until they learn to “Give unto all their due: to Cæsar the things which are Cæsar's;” but above all, “to God the things that are God's.” It is not the alteration of outward forms, or the abolition of outward ceremonies, nor the disfranchisement of boroughs, nor the increase of votes that can reform the nation, or free it from corruption and venality. The sources of those evils lie deep within the heart of the individual, and to destroy them the heart must be reformed; unless this is the case, it is needless to attempt a reformation, for the same feeling which under the old system led to corruption and every evil work, will still operate, and eventually produce the same effects.

Very erroneous notions are current in England with regard to the taxation of the United States. The truth is, that though America is lightly taxed in comparison with England, it is by no means to be considered so when compared to most of the continental nations. The account usually rendered of American taxation is fallacious. It is stated, that something under six millions sterling, or about 10s. per head on an average, pays the whole army, navy, civil list, and interest of debt of the United States, while we require fifty millions, or nearly £2 10s. each, for the same purpose. But the fact is, that that sum is only about half what the Americans pay in reality; for each individual state has its own civil list, and all the machinery of a government to support; and insignificant as the expenses of that government appear in detail, yet the aggregate is of very serious importance. For instance, there are five times as many judges in the state of New York alone as in Great Britain and Ireland; and though each individual of these were to receive no more than we would pay a macer of the court, yet when there comes to be two or three hundred of them, it becomes a serious matter; nor does it make any difference, in fact whether they are paid out of the exchequer of the state, or by the fees of the suitors in their courts; they are equally paid by a tax on the people

in either case. Although the necessaries of life are cheap in America, and equally cheap in Canada, the luxuries of life are higher by several hundred per cent. in the one country than the other. Thus, wine in the United States is so highly taxed, that in a tavern at New York you pay more for a bottle of Madeira than in one at London, viz. five dollars, —and fifteen shillings for port.

The Court of Exchequer have decided, that an editor is not liable to the proprietor of a newspaper or other publication for any injury which he might sustain in consequence of libel, on the ground that he partakes in the act.

A revision of the dress of the officers of the army is about to take place. By the new regulation there will be a considerable saving of expense, without materially affecting the costly appearance of the regimentals.—Lace, which has nearly the same effect as embroidery, but is by no means so expensive, will be generally substituted.

REFORM OF CRIMINAL LAW.—How noble and pure was the ambition of Sir Samuel Romilly we may learn from the following beautiful passages, where he has explained the motives by which he was actuated in his proposed reforms of the criminal law. “It was not,” said he, “from light motives—it was from no fanciful notions of benevolence, that I have ventured to suggest any alteration in the criminal law of England. It has originated in many years' reflection, and in the long-established belief that a mitigation of the severe penalties of our law will be one of the most effectual modes to preserve and advance the humanity and justice for which this country is so eminently distinguished.— Since the last session of parliament, I have repeatedly reconsidered the subject: I am more and more firmly convinced of the strength of the foundation upon which I stand; and even if I had doubted my own conclusions, I cannot forget the ability with which I was supported within these walls; nor can be insensible to the humane and enlightened philosophy by which, in contemplative life, this advancement of kindness has been recommended. I cannot, therefore, hastily abandon a duty which, from my success in life, I owe to my profession—which, as a member of this house, I owe to you and to my country—and which, as a man blessed with more than common prosperity, I owe to the misguided and unfortunate.—*Roscoe's Lives of Eminent Lawyers.*”

AN UPRIGHT JUDGE.—The character of Sir Matthew Hale as a Judge was splendidly pre-eminent. His learning was profound; his patience unconquerable; his integrity stainless. In the words of one who wrote with no friendly feeling towards him, “his voice was oracular, and his person little less than adorned.” The temper of mind with which he entered upon the duties of the bench is best exemplified in the following resolutions, which appear to be composed on his being raised to the dignity of chief baron at the restoration.

“The things necessary to be continually had in remembrance:—

- “1. That in the administration of justice I am intrusted for God, the king, and country; and therefore,
- “2. That it be done—1. uprightly; 2. deliberately; 3. resolutely.
- “3. That I rest not upon my own understanding or strength, but implore and rest upon the direction and strength of God.
- “4. That in the exertion of Justice I carefully lay aside my own passions, and not give way to them, however provoked.
- “5. That I be wholly intent upon the business I am about, remitting all other cares and thoughts as unseasonable and interruptions.
- “6. That I suffer not myself to be pre-possessed with any judgment at all, till the whole business and both parties be heard.
- “7. That I never engage myself in the beginning of any cause, but reserve myself unprejudiced till the whole be heard.
- “8. That in business capital, though my nature prompt me to pity, yet to consider there is a pity also due to the country.
- “9. That I be not too rigid in matters purely conscientious, where all the harm is diversity of judgment.
- “10. That I be not biassed with compassion to the poor, or favour to the rich, in point of justice.
- “11. That popular or court applause or distaste have no influence in any thing I do, in point of distribution of justice.
- “12. Not to be solicitous what men will say or think, so long as I keep myself exactly according to the rule of justice.
- “13. If in criminals it be a measuring-cast, to incline to mercy and acquittal.
- “14. In criminals that consist merely in words, where no more harm ensues, moderation is no injustice.
- “15. In criminals of blood, if the fact be evident, severity is justice.
- “16. To abhor all private solicitations, of what kind soever, and by whomsoever, in matters depending.
- “17. To charge my servants—1. Not to interpose in any matter whatsoever; 2. Not to take more than their known fees; 3. Not to give any undue precedence to causes 4. Not to recommend counsel.